

REMARKS

Claims 4-6 are currently pending in the application. By this response, claim 4 is amended and claims 1-3 and 7-12 are canceled. The above amendments do not add new matter to the application and are fully supported by the original disclosure. For example, support for the amendments is provided in the claims as originally filed. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Entry of Amendment is Proper

Applicants submit that the entry of the amendment is proper since no new issues are raised that would require further search and/or consideration. More specifically, this amendment places the application in condition for allowance by removing all issues of rejection.

Alternatively, Applicants submit that this amendment places the application in better form for appeal.

Allowable Subject Matter

Applicants appreciate the indication that claims 4-6 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this amendment, claim 4 has been re-written in independent form by amending claim 4 to include the features of the base claim and all intervening claims. Accordingly, claim 4, and claims 5 and 6 which depend from claim 4, should be allowed.

Double Patenting Rejection

Claims 1-3, 7, and 10 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-11 of U.S. Patent No. 6,877,048. This rejection is respectfully traversed.

While Applicants do not agree with the double-patenting rejection, by this amendment, claims 1-3, 7, and 10 are canceled. Thus, the double patenting rejection of claims 1-3, 7, and 10 is moot. Applicants reserve the right to file the subject matter of original claims 1-3, 7, and 10 in one or more continuing applications.

Accordingly, Applicants respectfully request that the double patenting rejection over claims 1-3, 7, and 10 be withdrawn.

35 U.S.C. §102 Rejection

Claims 1, 2 and 7-12 were rejected under 35 U.S.C. §102(e) for being anticipated by U.S. Patent No. 6,219,728 issued to Yin (“Yin”). This rejection is respectfully traversed.

While Applicants do not agree that the applied art anticipates the claimed invention, by this amendment, claims 1, 2, and 7-12 are canceled, thereby rendering the rejection under §102 moot. Applicants reserve the right to file the subject matter of original claims 1, 2, and 7-12 in one or more continuing applications.

Accordingly, Applicants respectfully request that the §102 rejection of claims 1, 2, and 7-12 be withdrawn.

Other Matters

Applicants note that the Examiner has not yet indicated consideration of some information that was considered in U.S. Patent Application No. 10/063,018, to which the instant application claims priority as a continuing application under 35 U.S.C. §120. MPEP §609.02 requires that “[t]he Examiner of the continuing application will consider information which has been considered by the Office in the parent application.”

For the Examiner’s convenience, Applicants attach hereto a form PTO-1449 listing information which was considered in parent application 10/063,018, but which has not been indicated by the Examiner as being considered in the instant application. Accordingly, Applicants respectfully request that the Examiner indicate consideration of these materials by returning an initialed and signed copy of the PTO-1449 with the next Official communication.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 09-0456.

Respectfully submitted,
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